

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STRATAGENE CORPORATION,)	
a Delaware Corporation,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	C. A. No. 05-275 (SLR)
v.)	
)	
THIRD WAVE TECHNOLOGIES, INC.,)	
a Delaware Corporation,)	
)	
Defendant/Counterclaim Plaintiff.)	

**STRATAGENE CORPORATION'S ANSWER TO THIRD WAVE
TECHNOLOGIES, INC.'S COUNTERCLAIMS**

Plaintiff/Counterclaim Defendant Stratagene Corporation (“Stratagene”) submits this Answer to Third Wave Technologies, Inc.’s (“Third Wave”) Counterclaims (hereinafter “Counterclaims”) in the above-captioned action as follows:

General Denial

Except to the extent expressly admitted herein, Stratagene denies each and every allegation contained in Third Wave’s Counterclaims.

Parties

1. Admitted.
2. Admitted.

Jurisdiction and Venue

3. Stratagene admits that jurisdiction over the subject matter of Third Wave’s Counterclaims is proper under 28 U.S.C. §§ 1331, 1338(a) and 2201, but denies that 35 U.S.C. § 282 confers jurisdiction over Third Wave’s Counterclaims.
4. Admitted.

Case or Controversy

5. Admitted.

Facts

6. Stratagene admits that it is the owner of the entire right, title and interest in the '254 patent.

7. Stratagene admits that it is the owner of the entire right, title and interest in the '250 patent.

8. Stratagene admits that Third Wave's Invader® products infringe one or more claims of the '254 and '250 patents and that Third Wave denies those allegations. Stratagene denies the remaining allegations of Paragraph 8 of the Counterclaims.

First Counterclaim

9. Stratagene incorporates by reference its responses to the allegations of Paragraphs 1 through 8 of Third Wave's Counterclaims as if fully set forth herein.

10. Denied.

11. Denied.

Second Counterclaim

12. Stratagene incorporates by reference its responses to the allegations of Paragraphs 1 through 11 of Third Wave's Counterclaims as if fully set forth herein.

13. Denied.

14. Denied.

Request for Relief

Stratagene requests that judgment be entered in its favor as follows:

- (a) dismissing Third Wave's Counterclaims in their entirety, with prejudice;
- (b) that the '250 patent is infringed by the accused products;
- (c) that the '254 patent is infringed by the accused products;
- (d) that the '250 patent is valid and enforceable;
- (e) that the '254 patent is valid and enforceable;
- (f) that Stratagene be awarded its costs and attorneys' fees; and
- (g) any and all such other relief that the Court may deem appropriate.

OF COUNSEL:

Marc R. Labgold, Ph.D.
Kevin M. Bell
Scott A.M. Chambers, Ph.D.
PATTON BOGGS LLP
8484 Westpark Drive
McLean, Virginia 22102
Telephone: (703) 744-8000

Richard J. Oparil
PATTON BOGGS LLP
2550 M Street NW
Washington, DC 20037
Telephone: (202) 457-6000

Dated: October 11, 2005

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POTTER ANDERSON & CORROON LLP

By: /s/ Richard L. Horwitz
Richard L. Horwitz
David E. Moore
1313 N. Market Street, 6th Floor
Wilmington, Delaware 19801
Telephone: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Stratagene Corporation

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DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on October 11, 2005, the attached document was hand delivered on the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Richard K. Herrmann
Morris James Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
Wilmington, DE 19899-2306

I hereby certify that on October 11, 2005, I have Federal Expressed the foregoing document(s) to the following non-registered participants:

Mark A. Pals, P.C.
Thomas G. Pasternak
Cindy S. Ahn
Erick S. Ottoson
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

/s/ Richard L. Horwitz
Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza – Sixth Floor
1313 North Market Street
Wilmington, DE 19801
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

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